

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BOARD OF TRUSTEES OF THE
NORTHWEST PLUMBING AND
PIPEFITTING INDUSTRY HEALTH
WELFARE AND VACATION
TRUST, et al.,

Plaintiffs,

v.

DAY & NIGHT MECHANICAL
HEATING & COOLING, INC., UBI
No. 603126019, a Washington
Corporation, et al.,

Defendants.

No. CV-13-0173-JTR

ORDER GRANTING STIPULATED
MOTION TO DISMISS

BEFORE THE COURT is the parties' stipulated motion for voluntary dismissal of Defendants Blew's Construction, Inc., and Travelers Casualty and Surety Company of America with prejudice and without costs. ECF No. 36. Attorney Noelle E. Dwarzski represents Plaintiffs; Defendants Blew's construction, Inc., and Travelers Casualty and Surety Company of America are represented by Richard Duncan Campbell. The parties have consented to proceed before a magistrate judge. ECF No. 28.

After considering the file, and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion for Voluntary Dismissal of Defendants Blew's construction, Inc., and Travelers Casualty and Surety Company of America with prejudice and without costs, **ECF No. 36**, is **GRANTED**.

2. Defendant Blew's Construction, Inc., is **DISMISSED WITH PREJUDICE** and without costs or fees to any party.

3. Defendant Travelers Casualty and Surety Company of America is **DISMISSED WITH PREJUDICE** and without costs or fees to any party.

Because former Defendant Central Valley School District #356 was dismissed without prejudice on October 25, 2013, ECF No. 27, the only remaining Defendant in this lawsuit is Day & Night Mechanical Heating & Cooling, Inc. Defendant Day & Night Mechanical Heating & Cooling, Inc., has yet to make an appearance in this matter, and a motion for default judgment against Defendant Day & Night Mechanical Heating & Cooling, Inc., is currently pending. ECF No. 32. The motion for default judgment is noted for hearing, without oral argument, on May 21, 2014.

IT IS SO ORDERED. The District Court Executive is directed to file this Order and provide copies to counsel for Plaintiffs and Defendants.

DATED April 11, 2014.



A handwritten signature in black ink, appearing to read "M", is positioned above the printed name of the judge.

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE